

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY FOR AN ADJUSTMENT OF)	CASE NO.
ITS ELECTRIC AND GAS RATES)	2014-00372

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On February 20, 2015, Louisville Gas and Electric Company ("LG&E") moved pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1), that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, LG&E states that the information it is requesting to be held confidential is contained in its Response to the Kentucky Industrial Utility Customers, Inc.'s ("KIUC's") Second Set of Data Requests, Item 20, which states:

Refer to the attachment provided by the Company in response to KIUC 1-10 and the amounts shown on the attachment. Provide the calculations of each of these amounts in an electronic spreadsheet in sufficient detail to replicate the amounts. Provide all assumptions, the basis for all assumptions, the costs per employee, the costs for contractors, and the loadings for overtime, incentive compensation, payroll taxes, and benefits, as well as all other costs that were included in these amounts.

LG&E avers that the spreadsheet it produced contains confidential personal information including compensation levels for specified positions. LG&E argues that its employees have a reasonable expectation that their compensation is personal and

private information and that its disclosure would constitute an unwarranted invasion of their personal privacy.

LG&E states that the Commission has previously stated that salary information “should be available for customers to determine whether those salaries are reasonable,” but “the right of each individual employee within a job classification to protect such information as private outweighs the public interest in the information.”¹ LG&E also refers to Case No. 2012-00222, in which the Commission granted confidential treatment of the compensation paid to certain employees and held that details regarding the compensation of non-executive officers and employees are personal and private information and is due a reasonable expectation of privacy.²

LG&E maintains that it has never publicly disclosed specific compensation information for “non-executive, lower-ranking officers and employees,” and that the information for which it seeks confidential treatment is not known outside of LG&E and is not disseminated within LG&E except to those employees with a legitimate need to know the information. LG&E states that it will disclose the information, pursuant to a confidentiality agreement, to intervenors with a legitimate interest in this information and as required by the Commission. LG&E seeks confidential treatment of this information for an indefinite period.

¹ Case No. 89-374, *Application of Louisville Gas and Electric Company for an Order Approving an Agreement and Plan of Exchange and to Carry Out Certain Transactions in Connection Therewith* (Ky. PSC Apr. 30, 1997), Order at 2; Order (Ky. PSC Apr. 4, 1996) at 2; and Order (Ky. PSC Apr. 8, 1994) at 2.

² Case No. 2012-00222, *Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity, Approval of Ownership of Gas Service Lines and Risers, and a Gas Line Surcharge* (Ky. PSC Sept. 11, 2013), Order at 2.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which LG&E seeks confidential treatment consist of details regarding the compensation of non-executive officers and employees which are personal and private information and are due a reasonable expectation of privacy and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

2. The materials for which LG&E seeks confidential treatment should not be placed in the public record or made available for public inspection for an indefinite period.

IT IS THEREFORE ORDERED that:

1. LG&E's motion for confidential treatment is hereby granted for an indefinite period.

2. Use of the material contained in LG&E's response to KUIC's Second Set of Data Requests, Item 20, shall be in compliance with 807 KAR 5:001, Section 13(9).

3. LG&E shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

4. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, LG&E shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If LG&E is unable to make such demonstration, the requested materials shall be made available for inspection

By the Commission

ENTERED 
JAN 20 2016
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2014-00372

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